



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/545,524	04/07/2000	Seth Haberman	20429/5	9763

7590 11/16/2005

David D Lowry
Box IP 18th Floor
Brown Rudnick Freed & Gesmer P C
One Financial Center
Boston, MA 02111

EXAMINER

BORISSOV, IGOR N

ART UNIT PAPER NUMBER

3639

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/545,524

Applicant(s)

HABERMAN ET AL.

Examiner

Igor Borissov

Art Unit

3639

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Amendment received on 10/20/2003 is acknowledged and entered.

Claims 1-12 are currently pending in the application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6 and 9-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Stanback, Jr. et al. (US 6,449,657).

Stanback, Jr. et al. (Stanback) teaches a method system for providing targeted advertisement over the Internet based on users demographic profiles, comprising:

Claims 1 and 9,

creating at least one default message of a personalized message (C. 12, L. 65 – C. 13, L. 2);

delineating general characteristics of members of intended audience and creating a set of target entity qualification data factors for use in database searches to acquire a list of entities to which a personalized message will be distributed (C. 12, L. 43-55);

creating an entity profile template including a substantially complete definition of information about each of said entities that is to be acquired by said database search (Fig. 10, item 1064; C. 19, L. 7-12; C. 22, L. 9-15);

Art Unit: 3639

using said entity profile template for generation of target entities profiles and status (C. 11, L. 11-16);

constructing a message template (C. 11, L. 17-22; C. 20, L. 51-53);

constructing a message resource library (C. 20, L. 51-53).

Claim 2. Said method, wherein said constructed message template includes a plurality of media segment slots (Fig. 7, items 736, 740; C. 16, L. 8-12, 29-31);

Claim 3. Said method, wherein said message resource library includes a plurality of media segments, each media segment corresponding to one of said media segment slots of said message template (C. 20, L. 51-53, 58-60).

Claim 4. Said method, wherein several media segments correspond to a same one of said media segment slots of said message template (C. 13, L. 9-11).

Claim 5. Said method, wherein said message resource library includes media segments created specifically for said message campaign (C. 20, L. 51-53, 58-60).

Claim 6. Said method, further comprising: defining a distribution channel selection, for distributing created personalized messages to target entities (e-mail) (C. 5, L. 6-9).

Claim 10. Said system, wherein a plurality of different message templates are constructed (C. 11, L. 17-22; C. 20, L. 51-53).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stanbach, Jr. et al. in view of Chen et al. (US 6,857,024).

Claim 7. Stanbach teaches all the limitations of Claim 7, except specifically teaching defining interactive query responses for acquiring additional information about said target entity.

Chen et al. (Chen) teaches a method for generating consumer profiles and providing on-line targeted advertising to said consumers based on said generated consumer profiles, including determining whether the user has responded to the last question or provided all of the required information for generating a consumer profile. If additional information is required, the Internet device 14 prompts the consumer to enter additional responses (C. 10, L. 57-64).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Stanbach to include defining interactive query responses for acquiring additional information about said target entity, as disclosed in Chen, because it would advantageously allow to further delineate said general characteristics of said members of intended audience, thereby creating precise targeted advertisement.

Claims 8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stanbach, Jr. et al. in view of Gerace (U. S. 5,991,735).

As per **Claims 8 and 11**, Stanbach teaches all the limitations of Claims 8 and 11, including defining environmental status factors (targeting consumers in a particular geographic location, such as local movie theatre, C. 15, L.3-5), except specifically teaching that said environmental status factors are updated at the time the personalized message is transmitted.

Gerace teaches a method and apparatus for delivering targeted advertisements based on psychographic and demographic profiles of appropriate audience, including displaying theater schedules including information regarding show times, where performing, length in time and location

Art Unit: 3639

of theaters (environmental status factors), wherein when a user selects said advertisement, the up-to-date information is displayed (C. 2, L. 28-42; C. 4, L. 35-37; C. 10, L. 42-47).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Stanbach to include that at the time the personalized message is transmitted said environmental status factors information is up-to-date information, as disclosed in Gerace, because it would advantageously allow a user to select an appropriate theater based on user's preferences in time and the location of the show.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stanbach, Jr. et al. in view of Chen et al. and further in view of Gerace.

Claim 12. Stanbach teaches said method, comprising:

encoding at least one default message of a personalized message (C. 12, L. 65 – C. 13, L. 2);

delineating general characteristics of members of intended audience and creating a set of target entity qualification data factors for use in database searches to acquire a list of entities to which a personalized message will be distributed (C. 12, L. 43-55);

creating an entity profile template including a substantially complete definition of information about each of said entities that is to be acquired by said database search (Fig. 10, item 1064; C. 19, L. 7-12; C. 22, L. 9-15);

using said entity profile template for generation of target entities profiles and status (C. 11, L. 11-16);

constructing a message template (C. 11, L. 17-22; C. 20, L. 51-53);

constructing a message resource library (C. 20, L. 51-53).

defining a distribution channel selection (C. 5, L. 6-9);

defining delivery window specification (C. 10, L. 10);

Art Unit: 3639

constructing a message template (C. 11, L. 17-22; C. 20, L. 51-53);
constructing a message resource library (C. 20, L. 51-53).

Stanbach does not specifically teach defining interactive query responses, for acquiring additional information about said target entity. Also, while Stanbach teaches defining environmental status factors (targeting consumers in a particular geographic location, such as local movie theatre, C. 15, L.3-5), Stanbach does not specifically teach that said environmental status factors are updated at the time the personalized message is transmitted.

Chen teaches said method for generating consumer profiles and providing on-line targeted advertising to said consumers based on said generated consumer profiles, including determining whether the user has responded to the last question or provided all of the required information for generating a consumer profile. If additional information is required, the Internet device 14 prompts the consumer to enter additional responses (C. 10, L. 57-64).

Gerace teaches a method and apparatus for delivering targeted advertisements based on psychographic and demographic profiles of appropriate audience, including displaying theater schedules including information regarding show times, where performing, length in time and location of theaters (environmental status factors), wherein when a user selects said advertisement, the up-to-date information is displayed (C. 2, L. 28-42; C. 4, L. 35-37; C. 10, L. 42-47).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Stanbach to include defining interactive query responses for acquiring additional information about said target entity, as disclosed in Chen, because it would advantageously allow to further delineate said general characteristics of said members of intended audience, thereby creating precise targeted advertisement.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Stanbach and Chen to include that at the time the personalized message is transmitted said environmental status factors

Art Unit: 3639

information is up-to-date information, as disclosed in Gerace, because it would advantageously allow a user to select an appropriate theater based on user's preferences in time and the location of the show.

Response to Arguments

Applicant's arguments with respect to Claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see form PTO-892).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Igor Borissov whose telephone number is 571-272-6801. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Igor Borissov
Patent Examiner
Art Unit 3639



IB
10/29/2005